

Message Text

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TO SECSTATE WASHDC IMMEDIATE 4312

DEA HQ WASHDC

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E.O. 11652: N/A

TAGS: SNAR, CGEN, IT

SUBJECT: REQUEST TO TAKE DEPOSITION FROM ITALIAN PRISONER GERARDO
ARCANO

REF: STATE 258735, ROME 16697

1. ON NOVEMBER 18, 1975 REPRESENTATIVES OF AMERICAN CONSULATE AND DEA CONFERRED WITH DR. PINSANI, THE GIUDICE DI VIGILANZA WHO HAS RESPONSIBILITY FOR CUSTODY OF ALL DETAINEES SERVING FINAL SENTENCES (ARCANO IS SERVING A FINAL SENTENCE UNTIL NOV. 28, 1977). JUDGE PISANTI STATED HE WAS WILLING TO COOPERATE FULLY WITH US AUTHORITIES DESIRING TO OBTAIN DEPOSITION FROM ARCANO. HOWEVER, THE MATTER IS MORE COMPLEX SINCE ACCESS TO ARCANO MUST BE AUTHORIZED ALSO BY OTHER ITALIAN JUDGES INVOLVED IN INVESTIGATION OF CHARGES CURRENTLY OUTSTANDING AGAINST ARCANO. THESE CHARGES ARE IN ADDITION TO AND APART FROM THOSE FOR WHICH HE IS PRESENTLY SERVING PRISON SENTENCE. JUDGE PISANI ADVISED THAT ANY REQUEST FOR JUDICIAL ASSISTANCE BEING SOUGHT BY US AUTHORITIES SHOULD CITE ANY EXISTING CONVENTION BETWEEN THE US AND ITALY. AVAILABLE SOURCES ROME EMBASSY DISCLOSED NO OFFICIAL REFERENCE CONCERNING RECIPROCAL ASSISTANCE IN PENAL JUDICIAL PROCEEDINGS. DR. PISANTI SUGGESTED WE PURSUE THE MATTER FURTHER WITH THE ROME DISTRICT ATTORNEY-PROCURATORE GENERAL DELLA REPUBBLICA.

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2. ACCORDINGLY, MEETING WAS HELD WITH DR. PICCOLI, I DIRIGENTE

DELLA PROCURA GENERALE DELLA REPUBBLICA (FIRST ASSISTANT TO THE ATTORNEY GENERAL). DR. PICCOLI WAS VERY HELPFUL IN OBTAINING DETAILS AND THE NAME OF THE JUDGE IN ONE OF THE OUTSTANDING CASES AGAINST ARCANO.

3. DR. PICCOLI AND TWO ASSISTANTS SUGGESTED THE CONSULATE SEND WRITTEN REQUEST ON BEHALF OF US COURT TO EACH ITALIAN JUDGE CONCERNED. A SEARCH IS BEING MADE TO DETERMINE THE IDENTITIES OF THESE JUDGES AND THEY WILL BE CONTACTED IN PERSON PRIOR TO SUBMISSION OF ANY LETTERS. THE LETTER TO THE JUDGES SHOULD SET FORTH THE PARTICULARS OF THE IMPENDING TRIAL TO BE HELD IN THE UNITED STATES, THE GENERAL OUTLINE OF THE INTERROGATORY OF ARCANO AND THE NAMES AND ROLES OF ALL PERSONS WHOSE PRESENCE IS REQUESTED AT THE INTERROGATORY IN ITALY, WHETHER ARCANO DEPOSITION WILL BE AS A WITNESS OR AS A CO-DEFENDANT IN ROSSI'S PROCEEDING, THE DATE ON WHICH IT IS DESIRED DEPOSITION BE TAKEN, DATE DEPOSITION MUST BE IN US COURTS, ETC. AS A MATTER OF COURTESY THE DISTRICT ATTORNEY AT ROME WOULD BE INFORMED OF ABOVE AFTER APPROVAL OBTAINED FROM INTERESTED JUDGES. DR. PICCOLI STATED THAT HE WOULD RECOMMEND FAVORABLE ACTION ON AN INFORMAL BASIS TO INTERESTED ITALIAN JUDGES.

4. FYI ACCORDING TO THE ITALIAN JUDGE BOCCASSINI WHO WAS ONE OF THOSE WHO WENT TO THE US RECENTLY TO OBTAIN A DEPOSITION, ARRANGEMENTS FOR HIS VISIT WERE MADE DIRECTLY BETWEEN THE ITALIAN AND THE AMERICAN COURTS AND THROUGH INTERPOL.

5. IF ROSSI WAIVES HIS APPEARANCE AND DEPARTMENT WISHES EMBASSY TO PROCEED WITH INFORMAL INQUIRIES, WITH DEPARTMENT'S APPROVAL AND AFTER RECEIPT INFORMATION REQUESTED IN PARAGRAPH 3 ABOVE, CONSULATE WILL PREPARE LETTERS TO INTERESTED ITALIAN JUDGES REQUESTING THEIR PERMISSION FOR THE TAKING OF A DEPOSITION OF ARCANO AS SET FORTH IN STATE 258735.

BEAUDRY

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